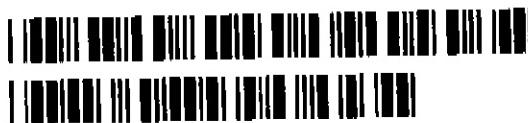


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CLERK U.S. DISTRICT COURT	
WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JEANNINE NEIMOYER, a single woman and
11 as beneficiary of life insurance policies on
husband, SAMUEL NEIMOYER, decedent,

12 Plaintiff

13 vs.

14 PRINCIPAL LIFE INSURANCE COMPANY,
15 an Iowa corporation,

16 Defendants.

NO. C06-5265KLS

PROPOSED—
**MOTION AND ORDER FOR
DISMISSAL WITHOUT
PREJUDICE PURSUANT TO
Fed.R.Civ.P. 41(a)(1)**

18 TO: STEPHEN R. MATTHEWS, Attorney for Defendant
19 Phillabaum, Ledlin, Matthews & Sheldon, PLLC
Attorneys at Law
20 421 W. Riverside, Ste. 900
Spokane, WA 99201-0413

21 AND TO:

22 MICHAEL BRISBIN, Attorney for Defendant
23 Wilson, Elser, Moskowitz, Edelman & Dicker LLP
525 Market Street, 17th Floor
24 San Francisco, CA 94105-2725

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26
27
PROPOSED

MOTION AND ORDER FOR DISMISSAL WITHOUT
PREJUDICE PURSUANT TO Fed.R.Civ.P. 41(a) - Page 1

BROUGHTON & SINGLETON, INC., P.S.
ATTORNEYS AT LAW
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MOTION

Plaintiff, JEANNINE NEIMOYER, by and through her attorneys, Broughton & Singleton, Inc. P.S., respectfully moves the Court pursuant to Fed.R.Civ.P 41(a)(1), for an Order of voluntary dismissal dismissing this action without prejudice. This relief is properly sought as the Defendants have not answered although served with Plaintiff's Summons and Complaint.

DATED this 19th day of June, 2006.

BROUGHTON & SINGLETON, INC. P.S.

By: s/ Dalynne Singleton
Dalynne Singleton, WSBA #34096
Attorneys for Plaintiff Neimoyer

ORDER

THIS MATTER having come on before the court upon the motion of the plaintiff for voluntary dismissal of this action without prejudice pursuant to FRCP 41(a)(1), and the court having reviewed plaintiffs' motion, and finding no answer of defendants, plaintiffs' subjoined Proposed Order, and otherwise being fully advised, now, therefore, it is hereby

ORDERED that this matter be, and hereby is, dismissed without prejudice and without costs to any party.

ORDERED this 29 day of JUNE, 2006.

Judge/Court Commissioner

PROPOSED

**MOTION AND ORDER FOR DISMISSAL WITHOUT
PREJUDICE PURSUANT TO Fed.R.Civ.P. 41(a) - Page 2**

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Case 3:06-cv-05265-FDB Document 8 Filed 06/19/2006 Page 3 of 3

1 PRESENTED BY:

2 BROUGHTON & SINGLETON, INC. P.S.

3

4 By: s/ Dalynne Singleton

5 Dalynne Singleton, WSBA #34096
6 Of Attorneys for Plaintiff

7

8 **Declaration of Mailing**

9 I hereby certify that on the date stated below I provided a copy of this document via first-
10 class mail and/or hand delivery to each counsel for defendant of record in the above-
11 entitled case. I certify under penalty of perjury under the laws of the State of Washington
12 that the foregoing is true and correct.

13

14 DATED: JUNE 19, 2006

S/ TERESA McLAIN
TERESA McLAIN

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PROPOSED

MOTION AND ORDER FOR DISMISSAL WITHOUT
PREJUDICE PURSUANT TO Fed.R.Civ.P. 41(a) - Page 3

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